

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

5

Document #

U.S.C.A. #

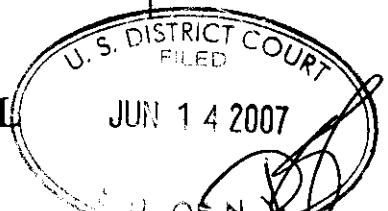
U.S.D.C. # 07cv-3061

JUDGE:

LAP

DATE:

June 14, 2007



## INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME):

THOMAS R. PISARCZYK

FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK

ADDRESS:

500 PEARL STREET, ROOM 370  
NEW YORK, NEW YORK 10007

PHONE NO.:

(212) 805 - 0636

## DISTRICT COURT DOCKET ENTRIES

## DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

Original Record

Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 14th Day of June, 2007.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Bennett

-V-

USA

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 07-cv-3061

JUDGE: 

DATE: June 14, 2007

## **Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 14, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

### Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York,  
this 14<sup>th</sup> Day of April In this year of our Lord, Two Thousand and Seven, and the Independence of  
the United States this 231<sup>st</sup> year.

**J. Michael McMahon, Clerk**

By

Deputy Clerk

2255, APPEAL, CLOSED, LEAD

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-03061-LAP**  
**Internal Use Only**

Barnett v. USA  
Assigned to: Judge Loretta A. Preska  
Related Case: 1:90-cr-000913-LAP-6  
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 04/16/2007  
Date Terminated: 04/16/2007  
Jury Demand: None  
Nature of Suit: 510 Prisoner: Vacate Sentence  
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
04/16/2007	1	MOTION to Vacate, Set Aside or Correct Sentence (28 U.S.C. 2255). NO FURTHER ENTRIES. PLEASE SEE CRIMINAL CASE: 90-cr-913(KMW). Document filed by Bernard Barnett.(jar) (Entered: 04/20/2007)
04/16/2007		Magistrate Judge Judge Ronald L. Ellis is so designated. (jar) (Entered: 04/20/2007)
04/16/2007	2	ORDER OF DISMISSAL, The Clerk of Court is directed to assign a docket number to the two actions (1:07-cv-3061 & 1:07-cv-3063) which are consolidated solely for the purpose of this order. For the reasons set forth in this order, the petitions are dismissed. Accordingly, the petitioner's applications under 3582(c)(2) and FRCP 60(b) are dismissed. To the extent they are construed as motions under 2255, they are dismissed for lack of jurisdiction over second or successive 2255 motions. As the motions make no substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. 2253. I certify pursuant to 28 U.S.C. 1915(a) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 4/16/07) (laq) (Entered: 04/24/2007)
04/16/2007	3	JUDGMENT. Ordered, Adjudged and Decreed: That the petition is hereby dismissed.... a certificate of appealability will not issue.... We certify pursuant to 28 U.S.C. 1915(a) that any appeal from the Court's order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 4/16/07) (laq) (Entered: 04/24/2007)
05/03/2007	4	NOTICE OF APPEAL from [3] Judgment - Sua Sponte (Petition). Document filed by Bernard Barnett. Copies sent to attorney(s) of record: A.U.S.A. (tp) (Entered: 06/14/2007)
05/03/2007		Appeal Remark as to [4] Notice of Appeal filed by Bernard Barnett. \$455.00 APPEAL FEE DUE. IFP REVOKED 4/16/07. COA DENIED 4/16/07. (tp) (Entered: 06/14/2007)
06/14/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [4] Notice of Appeal. (tp) (Entered: 06/14/2007)
06/14/2007		Transmission of Notice of Appeal to the District Judge re: [4] Notice of Appeal. (tp) (Entered: 06/14/2007)